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Viewing cable 09CARACAS1597, Dueling Expectations regarding Cedenos Return

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Reference ID	Created	Released	Classification	Origin
09CARACAS1597	2009-12-23 20:17	2011-08-30 01:44	CONFIDENTIAL	Embassy Caracas

Appears in these articles:

<http://www.semana.com/mundo/wikileaks-venezuela-dos-caras-eligio-cedeno/159036-3.aspx>

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C O N F I D E N T I A L SECTION 01 OF 02 CARACAS 001597

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SUBJECT: Dueling Expectations regarding Cedenos Return

REF: 09 CARACAS 1569; 09 CARACAS 1589

CLASSIFIED BY: Robin D. Meyer, Political Counselor, State, POL; REASON: 1.4(B), (D)

Foreign Minister Maduro: Expect Cedenos Prompt Return

¶1. (U) During a December 22 press conference to discuss the

results of Copenhagen-15, Foreign Minister Nicolas Maduro said that all the documentation required under the U.S.-Venezuela Extradition Treaty to request fugitive banker Eligio Cedenó's return had been provided to the United States so that Cedenó could be returned in a "expeditious and transparent" manner (see ref a for background on the Cedenó case). He said they expected Cedenó to be returned very soon and warned that, if the United States did not comply with the treaty, "it could involve a revision of the treaty in the future" since the United States would be acting in an "irresponsible manner" with regard to its international agreements. He recalled that the United States had permitted Manuel Rosales to enter the country despite an Interpol Red Notice and then had denied having any knowledge of his presence.

¶2. (U) Maduro also characterized as "dirty maneuvers" ("vulgares maniobras") the efforts to portray Cedenó as politically persecuted. He said the Venezuelan opposition should be "ashamed" that many people who have joined its ranks as leaders are "delinquents." "If the United States does not return this fugitive [Cedenó], it will put the Venezuelan opposition and the cooperation mechanisms with regard to judicial matters in a bad light ["mal parados"]."

Attorney General Ortega: Don't Expect Cedenó's Extradition

¶3. (U) In contrast, Attorney General Luisa Ortega Díaz said on December 22 that she did not expect the United States to return Cedenó to Venezuela, noting that it was the right of states to make their own determinations regarding the deportation of individuals inside their territory. However, she said that "without a doubt, the United States has a duty, a moral commitment, to do so, but if they do not want to [deport him], they are not obligated to do so." She recalled that the United States has still not provided a response to the Venezuelan government's request three years ago for the extradition of accused terrorist Luis Posada Carriles. In response to a question about Cedenó's reported petition for political asylum, Ortega only said that "it was up to the United States to concede it [asylum] or not."

¶4. (U) Ortega reiterated that Cedenó was a fugitive and said she presumed that he was being detained in the United States pursuant to the Interpol Red Notice. She also said that all the information required for Cedenó's extradition had been provided to the United States, including the criminal charges against him, the dates and nature of his alleged criminal acts, the potential sentences for each of the charges if convicted, details of the judicial proceedings against Cedenó to date, and his recent "escape" from justice.

Expert Lawyer: Cedenó Likely to Get Asylum

¶5. (U) Daily El Universal cited a Dominican legal expert, Madeleine Garcia, with experience handling U.S. immigration cases, who assessed as high the likelihood of Cedenó being granted asylum because of both President Chavez' statements about him and his prolonged detention without a conviction. However, she noted the extended timelines involved in asylum cases - 180 days if the person is not detained, sooner if the person is detained. In either case, however, she cautioned that the timeline could be extended. She also commented that if Cedenó's asylum claim were denied, he would not necessarily be deported to Venezuela but could be sent to a third country.

Judge Afiuni: Insists She Is Being Threatened

¶6. (U) Judge Afiuni, who ordered Cedenó's release on December 10, remains in detention at the women's detention facility (INOF) (ref b). Despite assurances from the prosecutors that Judge Afiuni was not facing any threats to her life by being detained in that facility, the judge, through her attorney, reportedly said that "I told them that I have not been physically assaulted, they have not injured me, but they come to the doors of the cell where I am locked up and shout that they are going to burn me alive. I told the prosecutor [who visited her over the weekend] that if they throw an explosive or incendiary device inside, I will die they like did at 'La Planta' [Note: 'La Planta' is a prison in Caracas where about 30 inmates died in 1996 in a fire allegedly set by a National Guardsmen. End Note.] ... I have four witnesses. I will

soon issue a public letter denouncing this."

17. (U) The press reported also that the International Commission of Jurists asked the Venezuelan government on December 22 to guarantee Judge Afiuni due process, including her right to be released pending trial, and to guarantee her safety while detained.

Comment

18. (C) The dueling expectations of Maduro and Ortega - of a quick return and of no return - tend to give some support to rumors that Chavez and members of his inner circle view the Ceden case with different levels of interest. Chavez and Maduro are taking a hard line. With regard to Maduro's linkage of Ceden with the political opposition, Embassy is not aware of any ties between Ceden and opposition political parties. Some members of the opposition have publicly expressed concern about the lack of due process in Ceden's and Afiuni's cases, but the opposition has not championed his cause, although some had included Ceden in their list of political prisoners held in Venezuela. There are unsubstantiated rumors that Ceden has been funding the element of the student movement led by Julio Rivas; the law firm representing Ceden has been providing pro bono legal assistance to Rivas.

19. (C) On the other hand, before Ceden's imprisonment, he was closely linked with Chavez' inner circle and was doing business with the Chavez government. Indeed, Chavez' daughter was supposedly romantically linked to Ceden's former partner. Such a link may contribute to the adamancy of Chavez' views on the Ceden case.

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